



PATENT
Attorney Docket **054160-5060**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Tsuneji Suzuki et al.**) Confirmation No. 7720
Application No. **10/049,666**)
Filed: **February 15, 2002**) Examiner: **Gollamudi S. Kishore**
For: **Pharmaceutical Agent Comprising a**)
Benzamide Derivative as Active Agent) Date: August 2, 2006

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

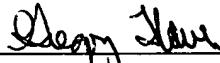
1. Transmitted herewith is a Notice of Appeal in response to the non-final Office Action dated March 2, 2006.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for two-month extension of time from June 2, 2006 to August 2, 2006, the fee for which is **\$450.00** as set out in 37 C.F.R. 1.17(a). If Applicants have overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	10	minus	36	0	\$50 each=	0.00
Independent Claims	2	minus	3	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
					Sub-total =	0.00
Reduction by 1/2 for filing by a small entity						0.00
08/04/2006 SDENB001 080000011 500318						10049666
Total Fee =						\$0.00
02 FC 1252 450.00 DA						

4. **Fee Payment:** The Commissioner is hereby authorized to charge **\$950.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee (\$500.00) and the two-month extension of time fee (\$450.00).
5. **Constructive Petition:** **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 2, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Gregory T. Lowen
Registration No. 46,882



PATENT
Attorney Docket **054160-5060**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Tsuneji Suzuki et al.**) Confirmation No. **7720**
)
Application No. **10/049,666**) Group Art Unit: **1615**
)
Filed: **February 15, 2002**) Examiner: **Gollamudi S. Kishore**
)
For: **Pharmaceutical Agent Comprising a**
Benzamide Derivative as Active Agent)

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated March 2, 2006 of the Examiner rejecting claims 44 to 49.

The Commissioner is hereby authorized to charge **\$500.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 2, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP

Gregory T. Lowen

Gregory T. Lowen
Registration No. 46,882

08/04/2006 SDENB0B1 00000011 500310 10049666
01 FC:1401 500.00 DA